

Application No.: 10/749,121
Applicants: Jeffrey O. Saunders et al.

REMARKS

The Claim Amendments

Applicants have canceled claims 1-4, 6-9, and 12-67.

Applicants acknowledge that claims 68-74 are withdrawn because they are drawn to non-elected inventions.

Applicants have amended claim 5 to recite compound species I-1 to I-14 and also to be in independent format. Support for this amendment is found in claim 5 as originally filed and in the specification at pages 23-25.

Applicants have amended claim 10 to depend only from claim 5.

None of the above amendments adds any new matter. These amendments are further discussed below in the context of the Examiner's objections and rejections raised in the September 12, 2006 Office Action.

The Rejections

35 USC § 102(e)

The Examiner has rejected claims 1, 3-5 and 10-24 under 35 U.S.C. § 102(e) as being anticipated by Kenny, et al. in WIPO Publication No.: WO 2004/050646 A1, published June 17, 2004 (hereinafter, "Kenny"). Specifically, the Examiner asserts that Kenny "discloses numerous compounds which anticipate Applicant's Markush language of Claim 1" including Example 5 on page 34. Applicants traverse.

Kenny does not anticipate claims 1, 3-5 and 10-24 of the present application because the proper § 102(e) date for Kenny is the International Filing Date of November 23, 2003 and not the priority date of November 29, 2002. Thus, since Kenny's effective 102(e) date of November 23, 2003 is after the December 30, 2002 priority date of the present application, Kenny can not be considered as an anticipatory prior art reference under § 102(e). Accordingly, applicants respectfully request that the Examiner withdraw this rejection.

The Examiner has also rejected claims 1, 3-5 and 10-24 under 35 U.S.C. § 102(e) as being anticipated by Coppola, et al. in US Patent Application Publication No.: US 2004/0023974, published February 5, 2004 (hereinafter, "Coppola"). Specifically, the

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Examiner asserts that Coppola "discloses numerous compounds which anticipate Applicant's Markush language of Claim 1" including Example 36 on page 48.

As discussed above in the amendments section, applicants have canceled claims 1-4, 6-9 and 12-67 and amended claims 5 and 10. Accordingly, applicants respectfully request that the Examiner withdraw this rejection.

35 USC § 102(b)

The Examiner has rejected claims 1, 3-5 and 10-24 under 35 U.S.C. § 102(b) as being anticipated by Bright, et al. in *Journal of Immunological Methods*, Vol. 207 (1), pp. 23-31 (1997) (hereinafter, "Bright"). Specifically, the Examiner asserts that Bright "discloses Compound 12 which anticipates Applicant's Markush language of Claim 1."

As discussed above, applicants have canceled claims 1-4, 6-9 and 12-67 and amended claims 5 and 10. Accordingly, applicants respectfully request that the Examiner withdraw this § 102(b) rejection.

The Objections

The Examiner has objected to claims 6-9 and 25-74 for containing nonelected subject matter. The Examiner has also objected to a typographical error in claim 5 wherein radical "-TmQ" should simply read "Q".

As discussed above, applicants have canceled claims 6-9 and 12-67 and claims 68-74 are withdrawn. Additionally, in amended claim 5, reference to radical "-TmQ" has been removed. Thus, applicants respectfully request that the Examiner withdraw these objections.

CONCLUSION

Applicants request that the Examiner enter the above amendments, consider the accompanying remarks, and allow the pending claims to pass to issue.

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Respectfully submitted,



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